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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re KEVIN D., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

KEVIN D.,

Defendant and Appellant.

D074338

(Super. Ct. No. J240108)

APPEAL from a judgment of the Superior Court of San Diego County, Robert J. Trentacosta, Judge. Affirmed.

Kristen Owen, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Kevin D. (Minor) appeals a judgment entered by the juvenile court finding him a ward of the court pursuant to Welfare and Institutions Code section 602.

FACTUAL AND PROCEDURAL BACKGROUND

In April 2017, Minor and his friends Raymundo (Ray) and Jorge were listening to music and talking. Minor and Ray began arguing. Minor became angry and aggressive and pushed Ray. Ray backed up and told Minor to back away and that he did not want to fight about something stupid. Minor pushed Ray again and then turned to leave. Ray stated, "Good, leave." At that point, Minor turned around and punched Ray in the left eye as he (Ray) was sitting on a wall. When Ray stood up, Minor punched him once in the chest and once in the face. Feeling trapped against the wall, Ray swung back at Minor and hit him, causing Minor to become really angry. Minor grabbed Ray in a bear hug, picked him off the ground, and smashed him onto the ground, breaking his leg with a loud snap. Minor told Ray, "[t]hat's what you get for standing up to me." Minor warned Ray not to snitch, stating, "[w]atch what's going to happen" if Ray were to talk about it. Minor and Jorge ran away. When paramedics arrived to assist Ray, he told them that he had injured himself falling off his skateboard. He later told the same story to doctors at the hospital.

A few days later, a law enforcement officer went to Ray's home, where he was bedridden after having undergone surgery, and asked him what had happened. Ray told her that he and Minor had argued and then Minor hit him, picked him up in a bear hug, and threw him onto the ground. That version was consistent with an eyewitness account given to the officer on the day of the incident.

In November 2017, a second amended petition was filed in the juvenile court alleging that Minor committed two felony offenses and should be declared a ward of the

court pursuant to Welfare and Institutions Code section 602. In particular, the petition alleged that Minor had committed battery against Ray causing serious bodily injury (Pen. Code, § 243, subd. (d)¹) and assault against Ray by means of force likely to produce great bodily injury (§ 245, subd. (a)(4)). The petition further alleged that in committing the battery, Minor personally inflicted great bodily injury on Ray (§ 1192.7, subd. (c)(8)) and that in committing the assault, he personally inflicted great bodily injury on Ray (§ 12022.7, subd. (a)).

At an adjudication hearing, the juvenile court found that all of the allegations in the petition were true. At Minor's disposition hearing, the court adjudged Minor a ward of the court, ordered that his care, custody, and control be under the supervision of the probation department, and imposed certain conditions of probation. The court imposed, but stayed, a short-term offender program (STOP) commitment of up to 90 days, pending a subsequent review hearing. Minor timely filed a notice of appeal.

DISCUSSION

Minor's appointed counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal of the judgment, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738. To assist our review, counsel cites *Anders v. California, supra*, 386 U.S. 738 and identifies the following possible issues for our review: (1) was there sufficient evidence to support the allegations in the petition; (2)

¹ All further statutory references are to the Penal Code.

was there sufficient evidence that Minor acted in self-defense; and (3) did the court err when it sustained the prosecution's objection that defense counsel's cross-examination of its rebuttal witness was outside the scope of its direct examination?

We granted Minor permission to file a supplemental brief on his own behalf, but he has not responded. A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738 has disclosed no reasonably arguable appellate issues. Minor has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

AARON, J.

WE CONCUR:

McCONNELL, P. J.

HUFFMAN, J.